

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	CRIMINAL NO. 19-cr-1631-DHU
)	
KAMAL BHULA et. al.,)	
)	
Defendants.)	

**UNITED STATE'S AMENDED NOTICE OF INTENT
TO OFFER DEA EXPERT TESTIMONY**

The United States provides notice to Defendants that, pursuant to Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703, and 705, that the United States intends to offer the following additional expert witness testimony in its case-in-chief at trial. On April 12, 2022, the United States filed its third notice of intent to offer expert testimony, specifically naming DEA Special Agent Josh Belida as a subject matter expert on Drug Trafficking. (Doc. 267). On October 24, 2022, this Court held a Daubert hearing to assess the admissibility of such testimony, as well as the qualifications of Special Agent Belida. On December 13, 2022, the Court issued an order denying the defendants' challenge to SA Belida's expertise and allowing his expert testimony at trial. (Doc. 413)

Since this ruling, the United States has obtained a Second Superseding Indictment charging Defendant Craft with 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): Possession with Intent to Distribute Heroin, and 18 U.S.C. § 924(c)(1)(A)(i): Possessing a Firearm in Furtherance of a Drug Trafficking Crime. The United States now amends SA Belida's expert disclosure to cover firearms as they are used during and in relation to drug trafficking. The United States respectfully reserves

the right to offer additional testimony by this expert, or other expert witnesses, and for the experts to amend or adjust their opinions and bases for those opinions due to information made known to the experts before or during trial.

A. Joshua Belida – Drug Trafficking

In addition to the original disclosure and substance of SA Belida's sworn testimony at the Daubert hearing, the United States discloses the following information in compliance with Rule 16(a)(1)(G):

1. Special Agent Belida will testify concerning matters that may include:
 - a. The manner in which drugs are packaged for sale, including the use of cutting agents, and how the possession of cutting agents indicates an intent to distribute, because it creates more substance to be sold.
 - b. Special Agent Belida will testify that drug traffickers frequently use, carry, and possess firearms during and in relation to and in furtherance of drug trafficking crimes. The possession of firearms is necessary to protect their merchandise and money from law enforcement other drug traffickers, customers, and other individuals who rob drug dealers of their product and currency
2. Special Agent Belida has participated in countless drug investigations, including undercover investigations and Title III investigations, targeting both domestic and international drug traffickers, as well as traffickers at all levels of the drug trade. Special Agent Belida regularly participates in interviews of confidential sources, informants and/or persons arrested for drug-related crimes, including money laundering and firearms offenses. Special Agent Belida regularly prepares and/or

participates in the preparation and execution of search warrants and arrests warrants for drug-related crimes, including money laundering and firearms offenses. Special Agent Belida is proficient in the methods of surveillance, to include physical, electronic and video surveillance. Special Agent Belida also has attended significant training related to the investigation of drug crimes. As a result of his substantial experience, Special Agent Belida is well-versed in all aspects of the drug trade to include, source countries for drugs, drug recognition, transportation routes and methods, wholesale and retail pricing, money laundering methods, the use of cryptic or coded language to refer to drugs, the tools of the trade associated with drug distribution and drug use, methods used to conceal drug trafficking activities (such as secret vehicle compartments and counter surveillance techniques), and the use of electronic devices in furtherance of drug trafficking. Special Agent Belida is also a Cellebrite Certified Operator and Physical Analyst.

3. A copy of Special Agent Belida's CV is attached as Exhibit 1.
4. Special Agent Belida has testified as an expert at the following trials and hearings:
 - a. March 2022: United States v. Michael Theodore Ortega (Trial), Santa Fe, NM
 - b. October 2022: United States v. Bhula (Daubert Hearing), Albuquerque, NM
 - c. March 2023: United States v. Eloy Romero (Trial), Albuquerque, NM
5. Special Agent Belida approved this disclosure. His signature appears below.

/s/ approved via email 5/10/23
JOSHUA BELIDA
Special Agent
Drug Enforcement Administration

The United States respectfully requests that the Court exercise its “special gate keeping obligation” and determine that the proposed testimony of these witnesses is admissible, as the witnesses have “a reliable basis in knowledge and experience” in their respective disciplines. *See Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137, 152 (1999); *see also Dodge v. Cotter Corp.*, 328 F.3d 1212, 1221-22 (10th Cir. 2003), *cert. denied*, 540 U.S. 1003, 124 S. Ct. 533 (2003).

The United States further requests this Court allow the above-described expert testimony and evidence to be offered in its case-in-chief at trial in this matter and that the Court find that the proposed testimony of the witness has a reliable basis in knowledge and experience in his respective field.

Respectfully submitted,

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/s/ electronically filed 5/10/23
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CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2023, I filed the foregoing document electronically through the CM/ECF system. Pursuant to the CM/ECF Administrative Procedures Manual, §§ 1(a), 7(b)(2), such filing is the equivalent of service on parties of record.

/s/

Letitia Carroll Simms
Assistant United States Attorney